

Exhibit 31

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA137480**Filing date: **04/25/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

Petitioner Information

Name	Mr.TomMiyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Name	Mr.StevenMiyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Attorney information	Vernon Francissen 53 W. Jackson Blvd., Suite 1320 Chicago, IL 60604 UNITED STATES vern@francissenpatentlaw.com, robert@karton.us Phone:(312)294-9980
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Registration Subject to Cancellation

Registration No	1217317	Registration date	11/23/1982
Registrant	MIYANO MACHINERY INC. 940 NORTH CENTRAL AVENUE WOOD DALE, IL 60191 UNITED STATES		
Goods/Services Subject to Cancellation	Class 007. First Use: 1970/01/00 , First Use In Commerce: 1970/01/00 Goods/Services: Power Lathes, and Bar Feeders Therefor		
Grounds for Cancellation	Abandonment Trademark Act section 14		

Attachments	Petition to Cancel.PDF (3 pages)(213306 bytes)
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Signature	/vernon w. francissen/
Name	Vernon Francissen
Date	04/25/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD**

In the matter of Registration No. 1,217,317:
Date registered: November 23, 1982

M MIYANO with design

TOM MIYANO AND STEVEN MIYANO)

Petitioners,)

v.)

MIYANO MACHINERY INC.)

Respondent,)

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioners Tom and Steven Miyano, individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois, hereby petition for cancellation of Respondent's U.S. Trademark Reg. No. 1,217,317 for M MIYANO with design on the ground of abandonment. In support of the petition, Petitioners allege as follows:

1. On information and belief, Respondent has made no use of the mark M MIYANO with design in connection with the goods/services listed in the existing registration for at least three consecutive years preceding the filing of this petition for cancellation and Respondent has no intent to resume such use.

2. As a result of Respondent's failure to use the M MIYANO with design with intent not to resume such use, the M MIYANO with design mark that is the subject of Registration No. 1,217,317 has become abandoned for purposes of Section 45 of the Trademark Act.

3. Further, at the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317, Petitioner Tom Miyano was President of Registrant Miyano Machinery (U.S.A.) Inc.

4. Registrant Miyano Machinery (U.S.A.) Inc. is predecessor in interest to Respondent Miyano Machinery Inc.

5. Petitioner Tom Miyano, as President of Registrant Miyano Machinery (U.S.A.) Inc., instructed that Registration No. 1,217,317 not be renewed because the M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration.

6. The M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration at the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317.

In re the matter of Registration No. 1,217,317

7. The allegations of use set forth in the Section 8 Declaration of Continued Use were, therefore, fraudulent allegations made to deceive the Patent and Trademark Office into maintaining Registration No. 1,217,317 when the registration should properly have been canceled for nonuse.

WHEREFORE, Petitioner prays that the petition for cancellation be granted with Registration No. 1,217,317 being ordered canceled.

Petitioners submit the required fee of \$300.00. If the fee is found deficient for any reason, please charge the deficiency to Deposit Account No. 503594.

Respectfully submitted,

TOM AND STEVEN MIYANO,
Petitioners

By: 

Vernon W. Francissen, Reg. No. 41,762
Attorney for Petitioners
FRANCISSSEN PATENT LAW, P.C.
53 W. Jackson Blvd., Suite #1320
Chicago, Illinois 60604
(312)294-9980 telephone
(312)275-8772 facsimile
Customer No.: 54384

Robert M. Karton
Attorney for Petitioners
Robert M. Karton, Ltd.
77 W. Washington St., Suite 900
Chicago, Illinois 60602-2804
(312)214-0900 telephone
(312)214-4230 facsimile

Date: April 25, 2007

In re the matter of Registration No. 1,217,317

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION was served on MIYANO MACHINERY INC. was mailed, first-class postage prepaid, on the date shown below to: George Kobayashi, Musada Funai, 203 N. LaSalle Street, Suite 2500, Chicago IL 60601-1262.

Date: April 25, 2007

Vernon W. Fran

Exhibit 32

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 1,217,371
M MIYANO with design
Date registered: November 23, 1982

TOM MIYANO AND STEVEN MIYANO,)	
)	
Petitioners,)	
)	
v.)	Cancellation No. 92047422
)	
MIYANO MACHINERY INC.,)	
)	
Respondent.)	

MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Respondent Miyano Machinery Inc. hereby moves under Fed.R.Civ.P. 12(b)(6) to dismiss the present petition for failure to state a claim upon which relief can be granted.

The petition in this action fails to allege the petitioners are or will be damaged by the registration, as required under 15 U.S.C. §1064. Further, the petition fails to allege petitioners have a real interest in the registration. Neither does the petition allege petitioners have a reasonable basis for believing they are or will be damaged by the registration. See *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185 (CCPA 1982) and *Ritchie v. Simpson*, 170 F.3d 1092, 1095, 50 USPQ2d 1023 (Fed. Cir. 1999). Accordingly, petitioners lack standing to maintain the present cancellation.

The sum total of the allegations with respect to petitioners is as follows:

In the preamble it is stated petitioners are individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois.

In paragraph 3 it is stated that petitioner Tom Miyano was President of Registrant when the renewal of the subject registration was filed.

In paragraph 5 it is stated that while he was president of Registrant petitioner Tom Miyano instructed that the subject registration not be renewed.

Even if these allegations are accepted as true, they are insufficient on their face to establish damage, a real interest or a reasonable basis for believing petitioners will be damaged. Therefore, petitioners lack standing in this cancellation. Accordingly, it is requested that the petition be dismissed.

Respectfully submitted,

MIYANO MACHINERY INC.,
Respondent

By: /joel h. bock/
Joel H. Bock
Edward D. Manzo
Attorney for Respondent
COOK, ALEX, MC FARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 W. Adams Street – Suite 2850
Chicago, IL 60606
Phone: (312) 236-8500
Facsimile: (312) 236-8176

Date: June 4, 2007

CERTIFICATE OF MAILING

I hereby certify that the foregoing MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM was served on Petitioners by sending copies to the following attorneys by first class-mail, postage prepaid, on the date shown below:

Vernon W. Francissen, Esq.
Francissen Patent Law, P.C.
53 W. Jackson Blvd., Suite #1320
Chicago, IL 60604

Robert M. Karton, Esq.
Robert M. Karton, Ltd.
77 W. Washington St., Suite 900
Chicago, IL 60602-2804

Date: June 4, 2007

/joel h. bock/
Joel H. Bock

Exhibit 33

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA147377**Filing date: **06/22/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047422
Party	Plaintiff Tom Miyano and Steven Miyano Tom Miyano and Steven Miyano ,
Correspondence Address	Vernon W. Francissen Francissen Patent Law P.C. 53 W. Jackson Blvd. Suite 1320 Chicago, IL 54384 UNITED STATES vern@francissenpatentlaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Vernon W. Francissen
Filer's e-mail	vern@francissenpatentlaw.com
Signature	/s/ Vernon W. Francissen /s/
Date	06/22/2007
Attachments	Motion for Leave to File Amended Petition.pdf (2 pages)(81287 bytes) Amended Petition for Cancellation.pdf (4 pages)(89977 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 1,217,317: M MIYANO with design
Date registered: November 23, 1982

TOM MIYANO AND STEVEN MIYANO,)	
)	
Petitioners,)	
)	
v.)	
)	Cancellation No. 92047422
MIYANO MACHINERY, INC.,)	
)	
Respondent.)	

**MOTION OF PETITIONERS FOR LEAVE TO FILE,
INSTANTER, AMENDED PETITION FOR CANCELLATION**

Tom and Steven Miyano, Petitioners herein, by their attorneys, move for leave to file, *instante*, their Amended Petition for Cancellation and, in support thereof, state:

1. Petitioners filed their Petition for Cancellation on April 25, 2007.
2. Petitioners were served with Respondent's Motion to Dismiss by mail posted June 4, 2007.
3. Petitioners believe that said Motion to Dismiss is legally insufficient in that the Petition provided adequate notice to Respondent under Fed. R. Civ. P. 8. Further, Petitioners respectfully submit that the amended petition is made as a matter of course as provided under Fed. R. Civ. P. 15(a) because Respondent's motion is directed to the pleadings and not a responsive pleading. *See James V. Hurson Assocs. v. Glickman*, 229 F.3d 277, 282-83 (D.C.Cir. 2000). However, in the interest of judicial economy, Petitioners ask leave to file, *instante*, their Amended Petition for Cancellation, which more fully sets forth the essential elements for said Petition, including, but not limited to, the damage to be sustained by Petitioners by the continuation of Trademark Reg. No. 1,217,317 for the M MIYANO with design ("the Mark"),

which Respondent has abandoned as set forth in said Petition, which had continued to be abandoned prior to the original filing of the Petition, and which was fraudulently maintained.

4. This Motion is made in the interests of justice and not for the purpose of delay.

WHEREFORE, Petitioners move that their Motion for Leave to File, *instanter*, their attached Amended Petition for Cancellation be granted, that the suspension of these proceedings be vacated, and that Respondent be granted leave to answer or otherwise plead in accordance with applicable law.

Respectfully submitted,

TOM AND STEVEN MIYANO,
Petitioners

By: /s/ Robert M. Karton /s/
Vernon W. Francissen, Reg. No. 41,762
Attorney for Petitioners
FRANCISSEN PATENT LAW, P.C.
53 W. Jackson Blvd., Suite #1320
Chicago, Illinois 60604
(312)294-9980 telephone
(312)275-8772 facsimile
Customer No.: 54384

Robert M. Karton
Attorney for Petitioners
ROBERT M. KARTON, LTD.
77 W. Washington St., Suite 900
Chicago, Illinois 60602-2804
(312)214-0900 telephone
(312)214-4230 facsimile

Date: June 22, 2007

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 1,217,317:
Date registered: November 23, 1982

M MIYANO with design

TOM MIYANO AND STEVEN MIYANO)
)
Petitioners,)
)
v.)
)
MIYANO MACHINERY INC.)
)
Respondent,)

Cancellation No. 92047422

AMENDED PETITION FOR CANCELLATION

Petitioners Tom and Steven Miyano, individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois, hereby petition for cancellation of Respondent's U.S. Trademark Reg. No. 1,217,317 for M MIYANO with design on the grounds of abandonment and fraud. In support of the petition, Petitioners allege as follows:

1. On information and belief, the current owner of Trademark Reg. No. 1,217,317 for M MIYANO with design ("the Mark") is Respondent Miyano Machinery Inc.
2. Respondent has threatened to assert the rights under Registration No. 1,217,317 against the following mark currently used by Petitioners:



3. Petitioners own the right to use the mark shown in paragraph 2 in Japan.
4. Petitioners began using the mark shown in paragraph 2 in the United States at least as early as November 3, 2006.
5. Accordingly, Respondent's continued ownership and maintenance of Registration No. 1,217,317 is or will be damaging to Petitioners.

Count I: Abandonment

6. Petitioners repeat and re-allege paragraphs 1-5 as though fully set forth herein.
7. On information and belief, Respondent has made no use of the Mark M MIYANO with design in connection with the goods/services listed in the existing registration for at least

three consecutive years preceding the filing of this petition for cancellation and Respondent has no intent to resume such use.

8. As a result of Respondent's failure to use the M MIYANO with design with intent not to resume such use, the M MIYANO with design mark that is the subject of Registration No. 1,217,317 has become abandoned for purposes of Section 45 of the Trademark Act.

Count II: Fraud

9. Petitioners repeat and re-allege paragraphs 1-5 as though fully set forth herein.

10. In 2002, George Kobayashi filed a required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317 stating that the owner was using or was using through a related company the mark in commerce on or in connection with the goods/services.

11. On information and belief, Registrant Miyano Machinery (U.S.A.) Inc. is predecessor in interest to Respondent Miyano Machinery Inc.

12. At the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317, Petitioner Tom Miyano was President of Registrant Miyano Machinery (U.S.A.) Inc.

13. Petitioner Tom Miyano, as President of Registrant Miyano Machinery (U.S.A.) Inc., instructed that Registration No. 1,217,317 not be renewed because the M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration.

14. The M MIYANO with design mark was not in use in connection with the goods/services listed in the existing registration at the time the Respondent filed the required Section 8 Declaration of Continued Use in connection with Registration No. 1,217,317.

15. The allegations of use set forth in the Section 8 Declaration of Continued Use were fraudulent allegations made to deceive the Patent and Trademark Office into maintaining Registration No. 1,217,317 when the registration should properly have been canceled for nonuse.

WHEREFORE, Petitioners pray that the petition for cancellation be granted with Registration No. 1,217,317 being ordered canceled.

Petitioners submit that this amended petition is made as a matter of right as provided under Fed. R. Civ. P. 15(a) because Respondent's motion is directed to the pleadings and not responsive to the pleadings. In the alternative, Petitioners request that the Board grant leave to amend. Petitioners submit that the required fees were paid with the initial filing of the Petition. If the fee is found deficient for any reason, please charge the deficiency to Deposit Account No. 503594.

Respectfully submitted,

TOM AND STEVEN MIYANO,
Petitioners

By: /s/ Vernon W. Francissen /s/
Vernon W. Francissen, Reg. No. 41,762
Attorney for Petitioners
FRANCISSEN PATENT LAW, P.C.
53 W. Jackson Blvd., Suite #1320
Chicago, Illinois 60604
(312)294-9980 telephone
(312)275-8772 facsimile
Customer No.: 54384

Robert M. Karton
Attorney for Petitioners
Robert M. Karton, Ltd.
77 W. Washington St., Suite 900
Chicago, Illinois 60602-2804
(312)214-0900 telephone
(815)301-9114 facsimile

Date: June 22, 2007

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing MOTION OF PETITIONERS FOR LEAVE TO FILE, *INSTANTER*, AMENDED PETITION FOR CANCELLATION and AMENDED PETITION FOR CANCELLATION was served on MIYANO MACHINERY INC. was mailed, first-class postage prepaid, on the date shown below to: Joel H. Bock, Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., 200 W. Adams St., Suite 2850, Chicago IL 60606 and George Kobayashi, Musada Funai, 203 N. LaSalle Street, Suite 2500, Chicago IL 60601-1262.

Date: June 22, 2007 /s/ Vernon W. Francissen /s/

Exhibit 34

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA175591**Filing date: **11/19/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

Petitioner Information

Name	Mr. Tom Miyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Name	Mr. Steven Miyano		
Entity	Individual	Citizenship	UNITED STATES
Address	50 Dundee Lane Barrington Hills, IL 60010-5106 UNITED STATES		

Attorney information	Vernon W. Francissen 53 W. Jackson Blvd., Suite 1320 Chicago, IL 60604 UNITED STATES vern@francissenpatentlaw.com Phone:312-294-9980
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Registration Subject to Cancellation

Registration No	3328718	Registration date	11/06/2007
Registrant	Miyano Machinery USA, Inc. 940 North Central Avenue Wood Dale, IL 60191 UNITED STATES		

Goods/Services Subject to Cancellation

Class 007. First Use: 1975/01/09 First Use In Commerce: 1975/01/09
All goods and services in the class are cancelled, namely: Machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor

Grounds for Cancellation

Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Related Proceedings	Cancellation No. 92047422
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Attachments	Petition_for_Cancellation_MIYANO.pdf (4 pages)(79631 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Vernon W. Francissen /s/
Name	Vernon W. Francissen
Date	11/19/2007

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3328718

U.S. Trademark Application No. 77/111,956: MIYANO standard character mark

Filing date: February 20, 2007

TOM MIYANO AND STEVEN MIYANO)	
)	
Petitioners,)	
)	
v.)	Cancellation No. TBD
)	
MIYANO MACHINERY USA INC.)	
)	
Respondent,)	

PETITION FOR CANCELLATION

Petitioners Tom Miyano and Steven Miyano, individuals located and doing business at 50 Dundee Lane, Barrington Hills, Illinois, hereby petition for cancellation of Respondent's Registration No. 3328718 for the standard character mark MIYANO on the grounds that (1) the mark was obtained contrary to the provisions of 15 U.S.C. §1052(c) in that the mark identifies petitioners who are living individuals who have not given consent to have their surname registered as a trademark; and (2) Respondent knew of the existence of each of the Petitioners and that the mark is Petitioners' surname and, therefore, the registration was obtained by fraud on the Trademark Office. In support of the petition, Petitioners allege as follows:

1. On information and belief, the current owner of the trademark Registration No. 3328718 for the standard character mark MIYANO ("the Mark") is Respondent Miyano Machinery USA Inc.
2. Petitioner Tom Miyano is a living individual with the surname "Miyano".
2. Petitioner Steven Miyano is a living individual with the surname "Miyano".
3. Petitioners are well known in the industry of machinery and machine tools.
4. The relevant public identifies the name "Miyano" with Petitioners.
5. Petitioners did not give their consent to Respondent's registration of their surname as a mark.
6. Petitioner Tom Miyano was formerly President of Respondent Miyano Machinery USA Inc.

7. Respondent knew of the existence of Petitioners at the time of filing of U.S. Trademark Appl. No. 77/111,956, which resulted in the issuance of Registration No. 3328718, and during the pendency thereof.

8. Petitioners will be irreparably harmed by Respondent's continued ownership and maintenance of a registration of Petitioners' surname.

Count I: Registration Contrary to 15 U.S.C. §1052(c)

9. Petitioners repeat and re-allege paragraphs 1-8 as though fully set forth herein.

10. The Mark being the name of Petitioners and identifying Petitioners to the relevant public for the goods identified in the description of goods, the Mark was registered contrary to the provisions of 15 U.S.C. §1052(c) in that the mark consists of the name of these particular living individuals who have not given consent to have their name registered as a mark.

Count II: Fraud

11. Petitioners repeat and re-allege paragraphs 1-10 as though fully set forth herein.

10. In February 20, 2007, George Kobayashi filed a Declaration on behalf of Respondent stating that "no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her that all statements made on information and belief are believed to be true."

11. At the time that the declaration described in paragraph 10 was signed, Respondent knew of the existence of the Petitioners and that Petitioners were using their surname in connection with goods falling within Respondent's description of goods/services.

12. At the time that the declaration described in paragraph 10 was signed, Respondent knew that Respondent's use of the Mark was likely to cause confusion, mistake or to deceive the relevant public for the described goods.

13. At the time that the declaration described in paragraph 10 was signed, prior Registration no. 1,217,317 was being maintained by Respondent through fraud and is the subject of Cancellation no. 92047422.

14. The Declaration on behalf of Respondent being knowingly false, the Registration was obtained through fraud on the Trademark Office.

WHEREFORE, Petitioners pray that the petition for cancellation be granted with Registration No. 3328718 for the standard character mark MIYANO being ordered canceled.

Respectfully submitted,

TOM MIYANO and STEVEN MIYANO,
Petitioners

By: /s/ Vernon W. Francissen /s/
Vernon W. Francissen, Reg. No. 41,762
Attorney for Petitioners
FRANCISSEN PATENT LAW, P.C.
53 W. Jackson Blvd., Suite #1320
Chicago, Illinois 60604
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Customer No.: 54384

Robert M. Karton
Attorney for Petitioners
Robert M. Karton, Ltd.
77 W. Washington St., Suite 900
Chicago, Illinois 60602-2804
(312)214-0900 telephone
(815)301-9114 facsimile

Date: November 19, 2007

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing **PETITION FOR CANCELLATION** was mailed, first-class postage prepaid, on the date shown below to: George Kobayashi, Musada Funai, 203 N. LaSalle Street, Suite 2500, Chicago IL 60601-1262.

Date: November 19, 2007 /s/ Vernon W. Francissen /s/

Exhibit 35

Int. Cl.: 7

Prior U.S. Cl.: 23

United States Patent and Trademark Office **Reg. No. 1,529,343**
Registered Mar. 14, 1989

**TRADEMARK
PRINCIPAL REGISTER**

MIYANO

MIYANO MACHINERY USA INC. (ILLINOIS
CORPORATION)
940 NORTH CENTRAL AVENUE
WOOD DALE, IL 60191

FOR: MACHINES AND MACHINE TOOLS -
NAMELY, TURNING CENTERS, LATHES,
VERTICAL MACHINING CENTERS AND ALL
PARTS THEREFOR, IN CLASS 7 (U.S. CL. 23).

FIRST USE 1-9-1975; IN COMMERCE
1-9-1975.

OWNER OF U.S. REG. NOS. 1,217,316,
1,217,317, AND 1,473,925.

SER. NO. 725,705, FILED 5-2-1988.

GERARD ROGERS, EXAMINING ATTORNEY